IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

JUDGMENT

S.B.Civil Writ Petition No.3797/2007

Bundu Mohammed.

vs.

A.D. (F.T.) No.2, Bhilwara and others.

Date : 21.8.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.S Shrimali, for the petitioner.

- - - - -

BY THE COURT :

Heard learned counsel for the petitioner.

The petitioner/plaintiff is aggrieved against the order dated 11.4.2007 passed by the trial court on the plaintiff's application under Order 6 Rule 16 CPC for deletion of paras no.1, 2, 6 and 8 of the written statement. The trial court dismissed the petitioner's application vide order dated 11.4.2007. Hence, this writ petition.

According to learned counsel for the petitioner, the averments made in paras no.1, 2, 6 and 8 are wholly irrelevant and have nothing to do with the subject matter and, therefore, the said pleading is absolutely unnecessary and, therefore, deserves to be strike out from the written statement filed by the defendants no.1, 4, 5, 11 and 18.

I considered the submission of learned counsel for the parties and perused the facts of the case as well as the impugned order.

The trial court considered the arguments of the plaintiff/petitioner and thereafter, exercised its jurisdiction by not striking out the pleadings of the defendants. I do not find that the trial court has committed any error of jurisdiction or committed any error of law in passing the impugned order.

In view of the above, I do not find any merit in this writ petition and hence, the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya